



U.S. Department of Justice

*United States Attorney  
Southern District of New York*

*86 Chambers Street  
New York, New York 10007*

February 28, 2019

**VIA ECF**

Honorable Lorna G. Schofield  
United States District Judge  
United States District Court  
40 Foley Square  
New York, NY 10007

Re: The New York Times Co. v. Federal Communications Commission,  
18 Civ. 8607 (LGS)

Dear Judge Schofield:

This Office represents defendant Federal Communications Commission (“FCC”) in the above-referenced Freedom of Information Act case brought by plaintiffs The New York Times Company, Nicholas Confessore, and Gabriel Dance (“Plaintiffs”). I respectfully write to request an extension of the briefing schedule for the parties’ cross-motions for summary judgment, set forth in the Court’s order dated January 28, 2019 [Dkt. No. 17]. The extension of time is needed due to the backlog of other case-related deadlines that accumulated after funding to the Department of Justice was restored on January 28, 2019, as well as a hearing in a class action litigation that took place on February 25, 2019. This is the FCC’s second request for an extension of the briefing schedule in this case. Plaintiffs’ counsel consents to this request. The parties propose that the briefing schedule be amended as follows:

- FCC’s motion for summary judgment: March 13, 2019
- Plaintiffs’ opposition and cross-motion for summary judgment: April 10, 2019
- FCC’s opposition to Plaintiffs’ cross-motion and its reply in further support of its summary judgment motion: May 1, 2019
- Plaintiffs’ reply in further support of their Cross-Motion: May 21, 2019

We thank the Court for its consideration of this request.

Respectfully submitted,

GEOFFREY S. BERMAN  
United States Attorney

By: /s/ Tomoko Onozawa  
TOMOKO ONOZAWA  
Assistant United States Attorney  
Tel: (212) 637-2721  
Fax: (212) 637-2686

cc: All Counsel of Record (via ECF)